

February 1999

Re: NEPA Call-In Technical Inquiry 0468 - GSA's Policy Towards Archeology

This letter is in response to your February 11, 1999 request for information about GSA's policy toward archeological preservation. You stated a contractor in your region is preparing an interpretive display in the lobby of a courthouse where historic documents were discovered. You further stated the contractor would like to create a banner for the display that states GSA's policy toward archeology. Specifically, you would like to know if GSA has such a policy because you would like to use a policy statement for the display banner.

## SUMMARY OF FINDINGS

NEPA Call-In determined that GSA maintains a policy toward archeology in ADM 1020.1, "Procedures for Historic Properties." Since GSA must follow Federal laws, you may also use text from various Federal statutes dealing with the preservation of historic resources. Our detailed findings are presented below.

## DETAILED FINDINGS

NEPA Call-In first contacted a representative of the GSA Cultural, Environmental, and Accessibility Programs, GSA National Office, for information about GSA's policy in regards to archeology. The representative stated he was only aware of the policy contained in GSA Order ADM 1020.1, "Procedures for Historic Properties." We reviewed section 5(a)2, "Responsibilities," which states:

"It shall be the responsibility of each service within GSA to identify, evaluate, protect, and enhance all districts, sites, structures, buildings, and objects significant in American history, architecture, archeology, and culture. These historic and cultural properties include those properties which are listed in or previously determined to be eligible for listing in and those properties which may be eligible for listing in the National Register of Historic Places."

We also obtained a copy of the factsheet, "Why is Archeology Important?," prepared by GSA's Cultural, Environmental, and Accessibility Programs (enclosed). Although the factsheet does not contain a policy statement or citations to regulations, it may be useful in understanding GSA's involvement in the archeological process.

We then searched GSA's intranet web site, "Insite" document library for other references to archeology, but did not find additional information.

NEPA Call-In then searched the U.S. Code (USC) database, maintained by Cornell University School of Law, for Federal laws related to archeology and preservation. Since GSA must comply with Federal laws, any declarations of policy contained in Federal laws would also be valid for GSA.

We then reviewed the Declaration of National Policy statement of the Historic Sites Act, Title 16 USC section 416 (enclosed). The declaration states, "It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States."

NEPA Call-In then reviewed the Declaration of Policy of the Federal Government from the National Historic Preservation Act (NHPA) contained in Title 16 USC section 470-1 (enclosed). Part one of the

six-part declaration states, "It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations."

We also reviewed the Archeological Data Preservation Act of 1974, codified in Title 16 USC section 469a-1 through 469a-3 (enclosed). Although it does not contain a statement of policy, this act may be helpful to you in that it outlines specific requirements to preserve archeological data that may be threatened as a result of Federal activity.

Finally, NEPA Call-In reviewed our factsheet, "Recommendations for considering historical objects and documents in environmental project review," August 1998. This factsheet is helpful in summarizing laws and procedures governing preservation of historical objects and documents uncovered by a Federal entity. You stated you already have access to a copy of the factsheet for your reference.

The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an attorney licensed in your state and may or may not reflect the most current legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(original signed)

NEPA Call-In Researcher